

AN ACT CREATING A JUVENILE AND DOMESTIC RELATIONS COURT FOR THE PROVINCE OF CAMARINES SUR AND THE CITIES OF NAGA AND IRIGA.

REPUBLIC ACT NO. 6591, September 30, 1972

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The Juvenile and Domestic Relations Court.—There shall be a Juvenile and Domestic Relations Court for the Province of Camarines Sur, the City of Naga and the City of Iriga, with permanent station in the City of Naga but with authority to conduct hearings and investigations in any city or municipality within its jurisdiction as the court may consider to be in the interest of justice.

The court shall be presided by a judge who shall have the same qualifications, rank, compensation, rights and Privileges as judges of courts of first instance; and, in addition, shall be one who is thoroughly familiar with the culture, mores, dialect, traditions and family life of the people within the jurisdiction of the court; who has demonstrated a sincere interest in social action and has least ten years of successful experience in social work, teaching or other similar work dealing with family relations, juveniles and the youth in general; who has obtained sufficient academic training in psychology and guidance, preferably one with a Master's degree in said studies social work or education; and who has had substantial experience, preferably gained as member of the Bench, in the impartial settlement of conflicts and in arriving acceptable compromises. The judge, who may or may not be a resident of the province or cities within the jurisdiction of the court, shall be appointed by the President of the Philippines with the consent of the Commission on Appointments.

Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases:

- Criminal cases wherein the accused is under sixteen years of age at the time of the filing of the case and which, at present, are cognizable by courts of first instance, city courts and municipal courts, except cases involving violations of municipal ordinances of the City of Iriga and of the different municipalities of Camarines Sur;
- Cases involving custody, guardianship, adoption, paternity and acknowledgment;
- Annulment of marriages, relief from marital obligations, legal separation of spouses, and actions for support;
- Proceedings brought under the provisions of Articles one hundred sixteen, one hundred seventeen, two hundred twenty-five, two hundred fifty-one, and three hundred thirty-two of the Civil Code;
- Proceedings for declaration of absence and for change of name;
- Actions involving separation of property and other property relations between spouses;
- Proceedings affecting a dependent or neglected child as hereinafter defined or other cases concerning the exercise or deprivation of parental authority.

The court shall have such incidental powers as are generally possessed by courts of first instance.

If any question involving any of the above matters should arise as an incident in any case pending in the ordinary courts, said incident shall be determined in the main case.

In case of the temporary absence, disqualification, or inhibition of the judge, the Secretary of Justice may designate a Judge of the Court of First Instance to act in the court or on a particular case in accordance with the procedures provided for under this Act. Such designation may also be made under the conditions provided in the first paragraph of Section fifty-one of the Judiciary Act.

For the more economical and expeditious disposition of cases pending before it, the court shall have the authority to designate any judge of an inferior court within its jurisdiction to act as a commissioner for the purpose of receiving evidence in the city or municipality wherein he is stationed. Such commissioner shall proceed to receive evidence without delay and shall submit to the court a full report of the proceedings under him within twenty days after the termination of said proceedings. The court shall have the discretion either to render a decision on the basis of the commissioner's report thus submitted, or require the commissioner to receive further evidence, or conduct further hearings itself.

SEC. 2. "Dependent" or "neglected" child defined.—The term "dependent child" or "neglected child" shall mean any child under sixteen years of age who is dependent upon the public for support or who is destitute, homeless or abandoned; or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill-fame or with any vicious or disreputable person, or whose home or place of residence, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care the child may be, is an unfit place for such child.

SEC. 3. Proceedings concerning a "dependent" or neglected" child.—The Secretary of Social Welfare or his representative who is assigned within the jurisdiction of the Court, having knowledge of a child within said jurisdiction who appears to be a "dependent" or "neglected" child, must file with the clerk of court a written petition setting forth the facts constituting the child "dependent" or "neglected", which petition shall be verified by the affidavit of the petitioner and to which shall be annexed a summarized report on the case study on which the petition is based. It shall be sufficient if the affidavit shall be upon information and belief. Such petition shall set forth the name and residence of the parent or parents of such child, if known; and if such child has no parent living, then the name and residence of the guardian of such child, if it has one.

Upon filing of the petition, if the interest of the child so warrants, the court may take custody of the child for placement with any person, institution or agency authorized to care for children during the trial of the case. The court or the commissioner, if one has been designated, shall fix the day, time and place for the hearing of such petition. If it appears that one or both of the parents, or guardian, if there be no parents, reside within the jurisdiction of the court, the clerk of court concerned shall immediately issue summons, which shall include a copy of the petition, and which shall be served on such parent, parents, or guardian, if any, if either can be found within said jurisdiction, not less than two days before the time fixed for said hearing, requiring them to appear on said place, day and hour to show cause, if any there be why such child should not be declared a "dependent" or "neglected" child. If it appears from the petition that neither of the parents is living, or do not reside within the jurisdiction of the court, and that said child has no guardian residing within said jurisdiction, or in case one or both of said parents, or guardian in case there are no parents, shall indorse on said petition a request that the child be declared a "dependent" child, then the summons herein provided shall not be issued; and the court or the commissioner may thereupon proceed to a hearing of the case. In case neither of the parents nor guardian is found, the court shall appoint some suitable person to represent said child in said case.

Upon the hearing of such case the child shall be brought before the court or commissioner; whereupon the court

or the commissioner shall investigate the facts, and ascertain whether the child is a "dependent" or "neglected" child, its residence, and, as far as possible, the whereabouts of its parents or adult near-relatives, when and how long the child has been maintained, in whole or in part, by private or public charity, the occupation of the parents, if living, whether they are supported by the public or have abandoned the child, and to ascertain, as far as possible, if the child is found dependent, the cause therefor. The court may compel the attendance of witnesses on such examinations. The provincial or city fiscal concerned, when requested by the court or the commissioner, shall appear in any such examination in behalf of the petitioner. It shall be the duty of such fiscal, upon the request of the court or any petitioner, to file a petition and to conduct any necessary proceedings in any case within the provisions of this Act.

In the hearing of such case, the court or the commissioner shall not be bound to follow the technical rules of evidence. If the said child shall be found after such hearing to be "dependent" or "neglected" child, as herein defined, it shall be so adjudged, and an order may be entered making such disposition of the case and custody of said child as the court deems best for its moral and welfare. It may be turned over to the care and custody of any suitable person or institution in the province or city, which has been organized for the purpose of caring for "dependent" or "neglected" children, and which is able and willing to care for the same. If there be no such suitable person or institution, the child shall be referred to the Department of Social Welfare. And when the child is so turned over to the custody of such person or institution, such person or institution shall have the right to the custody of said child, and shall be at all times responsible for its education and maintenance subject at all times to the order of the court

In any case where the court shall award any "dependent" or "neglected" child to the care of any individual or institution, the child, unless otherwise ordered, shall become a ward and be subject to the guardianship of the institution or individual to whose care it is committed. Any institution or individual receiving any such child under the order of the court shall be subject to the visitation or inspection by any person appointed by the court for such purpose, and the court may at any time, require from the institution or person, a report containing such information as the court shall deem proper and necessary, to be fully advised as to the care, education, maintenance and moral and physical training of the child, as well as to the standing and ability of such institution or individual to care for such child. The court may change the guardianship of such child, if, at any time, it is made to appear to the court that such change is to the best interests of the child. If, in the opinion of the court, the causes of the dependency of any child may be removed under such conditions or supervision for its care, protection and maintenance as may be imposed by the court, so long as it shall be for its best interests, the child may be permitted to remain in its own home under the care and control of its own parent, parents or guardian, subject to the jurisdiction and direction of the court, and when it shall appear to the court that it is no longer to the best interests of such child to remain with such parents or guardian, the court may proceed to a final disposition of the case.

In case any child is adjudged to be "dependent" or "neglected" then such parents or guardian shall thereafter have no right over or to the custody or services of said child except upon such conditions in the interest of such child as the court may impose, or where, upon proper proceedings, such child may lawfully be restored to the parents or guardian. Before ordering such restoration, the court may require the parents or guardian to make such reimbursements for the previous expenses of the child or to agree to such other conditions as the court may impose.

SEC. 4. Proceedings in other cases.—In the hearing and disposition of cases other than those covered by the preceding section, the court shall be governed by the Rules of Court and the law properly applicable in each particular case, but said rules shall be applied most liberally along pre-trial, philosophy.

In cases between husband and wife, and between parent and child, the hearings may be held, upon petition of any party, in chamber or with the exclusion of the public. All information obtained at such hearings shall be deemed privileged and confidential and shall not be divulged without approval of the court.

SEC. 5. Appeal from decision and order of the court.— Decisions and orders of the court shall be appealed in the same manner and subject to the same conditions as appeals from courts of first instance.

SEC. 6. The clerk of court and subordinate employees.—The Juvenile and Domestic Relations Court shall be a court of record and shall have a clerk of court and such subordinate employees as may be necessary who, upon the recommendation of the judge, shall be appointed in the same manner and shall receive the same compensation as similar officials and employees of the courts of first instance.

SEC. 7. Court facilities, supplies and allowances.—The same facilities, equipment, supplies and allowances as given to courts of first instance shall be furnished by the Province of Camarines Sur. The Secretary of Justice, upon the request of the province, may require the Cities of Iriga and Naga to share in these costs.

SEC. 8. Seminars.—The Judge of Juvenile and Domestic Relations Court, at least once a year during the first three years after its creation and thereafter whenever he finds it appropriate, shall call a conference of or conduct a seminar for municipal and city judges and other government personnel involved in carrying out the provisions of this Act to discuss procedures, psychological and guidance problems, family relations and other matters conducive to the fulfillment of the objectives of this Act.

SEC. 9. Transitory provisions.—Upon the organization of the Juvenile and Domestic Relations Court, the Secretary of Justice shall cause all cases and proceedings pending before the courts of first instance, municipal courts and city courts in the Province of Camarines Sur and the Cities of Naga and Iriga, properly cognizable by said court to be transferred thereto.

SEC. 10. Appropriation.—Such sum as may be necessary to carry out the purpose of this Act during the fiscal year nineteen hundred seventy-two to nineteen hundred seventy-three is hereby authorized to be appropriated, out of any funds in the National Treasury not otherwise appropriated, and such similar amount and for the same purpose shall thereafter be included in the annual General Appropriations Act.

SEC. 11. This Act shall take effect upon its approval.

Approved,

GIL J. PUYAT CORNELIO T. VILLAREAL

President of the Senate Speaker of the House of Representatives

Finally passed by the Senate on August 31, 1972. This Act, which originated in the House of Representatives, was finally passed by the same on April 17, 1972.

ELISEO M. TENZA INOCENCIO B. PAREJA

Secretary of the Senate Secretary of the House Representatives

Approved: September 30, 1972

FERDINAND E. MARCOS

President of the Philippines

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